

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT D. KLINE

v.

MY DOCTORS LIVE, LLC, ROSE R.
ROSSITER & STEPHEN P. ROSSITER

CIVIL ACTION

NO. _____

NOTICE OF REMOVAL

Defendants, My Doctors Live, LLC, Rose R. Rossiter & Stephen P. Rossiter, by and through their attorneys, Rebar Kelly, hereby removes this action from the Court of Common Pleas of Mifflin County, Pennsylvania to the United States District Court for the Middle District of Pennsylvania based upon Federal Question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. Removing Defendants provide the following short and plain statement of the grounds for removal:

1. On December 29, 2020, Plaintiff filed a Praecipe to Issue Writ of Summons in the Mifflin County Court of Common Pleas, a copy of which is attached hereto and marked as *Exhibit "A"*.
2. On February 23, 2021, Plaintiff filed a Complaint in the Mifflin County Court of Common Pleas against the above-named defendants, including Removing Defendant. A copy of Plaintiff's Complaint is attached hereto and marked as *Exhibit "B"*.
3. The state court wherein this action was originally filed is in Lewistown, Mifflin County, Pennsylvania, which is within the jurisdictional district of the United States District Court for the Middle District of Pennsylvania.

4. In the Complaint, Plaintiff alleges causes of action against the named Defendants based upon the Telephone Consumer Protection Act, which is found at 47 U.S.C. §227, *et. seq.* *Id. et. passim.*

5. Removing Defendant's Notice of Removal is timely pursuant to 28 U.S.C § 1446(b) because this Notice of Removal within thirty (30) days of receipt of a copy of the Complaint.

6. This Court has jurisdiction over this matter under 28 U.S.C. §1331 because the present action arises under the federal Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. §227.

7. Removal is proper under 28 U.S.C. §1441(a) and (c)(A), where the Removing Defendant establishes that:

- (1) a civil action brought in a State court of which the District Courts of the United States have original jurisdiction, and
- (2) the claim arises under the Constitution, laws, or treaties of the United States, and
- (3) The United States District Court has supplemental jurisdiction over any related claims.

8. As required by § 1446(a), true and correct copies of all process, pleadings, and Orders served upon Defendants are being filed herewith.

9. Pursuant to 28 U.S.C. § 1446(d), Defendants are filing written notice of this Notice of Removal with the Court of Common Pleas of Mifflin County, Pennsylvania, concurrently with the filing of this Notice of Removal, and will serve the same on Plaintiff. A copy of the Notice of Filing Notice of Removal, in the form in which it will be filed and served, is attached hereto as *Exhibit "C"*.

10. By this Notice of Removal, Removing Defendants do not waive any objection they may have to service, jurisdiction or venue, or any other defenses or objections it may have to this

action. Moving Defendants intend no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.

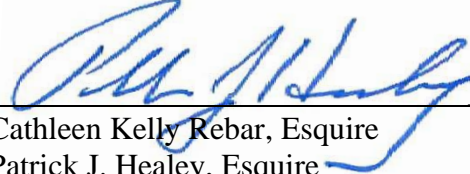
WHEREFORE, My Doctors Live, LLC, Rose R. Rossiter & Stephen P. Rossiter, request that this Court assume jurisdiction over this matter on removal from the Court of Common Pleas of Mifflin County, Pennsylvania

Dated: March 4, 2021

RESPECTFULLY SUBMITTED,

**My Doctors Live, LLC, Rose R. Rossiter &
Stephen P. Rossiter**

By his attorneys,



Cathleen Kelly Rebar, Esquire

Patrick J. Healey, Esquire

REBAR KELLY

470 Norristown Road

Suite 201

Blue Bell, PA 19422

(484) 344-5340

eFax: (484) 344-5341

Email: crebar@rebarkelly.com

phealey@rebarkelly.com

CERTIFICATE OF SERVICE

I, Patrick J. Healey, have this 4th day of March, 2021, certify that I have served a copy of the within Notice of Removal, via United States Mail, First Class, Postage Pre-Paid, on the following parties:

Robert D. Kline
2256 Fairview Road
McClure, PA 17841



Patrick J. Healey

DATE: **March 4, 2021**